

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 1-2, 2006

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Division Chief
Right of Way and
Land Surveys

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19237 through C-19270. Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19237 - John Hindt, et ux.

03-Nev-20-PM 1.9 - Parcel 034102-1, 2 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway and a permanent easement for drainage. Located in the town of Smartville at 10133 Melody Road. APN 50-130-36.

C-19238 - Ingrid Sorensen

03-Nev-20-PM 0.6 - Parcel 34112-1, 2, 3, 4, 5 - EA 1A5309 - Certification Date: 01/01/06 - private road to be conveyed to Nevada Irrigation District. Located in the town of Smartville at 10044 RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway, temporary easements for highway construction, and an easement for Wild Turkey Lane. APN 50-160-29.

C-19239 - Mary W. Penkoski

03-Nev-20-PM 0.5 - Parcel 034109-1, 2, 3 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway and a permanent easement for drainage/irrigation. Located in the city of Big Oak Valley at 11584 Wild Turkey Lane. APN 50-160-09.

C-19240 - Manuel Family Trust

03-Nev-20-PM 1.7 - Parcel 34093-1, 2, 3, 4, 5, 6, 7 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway, a temporary easement for conforming driveway, and easements for utility purposes to be conveyed to Pacific Gas and Electric Company and Pacific Bell Telephone Company. Located near the town of Penn Valley at 21770 Highway 20 Penn Valley. APN 50-040-72.

C-19241 - Rusha N. El-Bardai, et al.

03-Nev-20-PM 2.6 - Parcel 34312-1, 2, 3, 4, 5, 6 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway, temporary easements for private road construction, easements for utility purposes, and private utility road to be conveyed to Pacific Gas and Electric, SBC Telephone, and Nevada Irrigation District. Located in the unincorporated area of Penn Valley at 10208 Houghton Ranch Road. APN 50-390-12.

C-19242 - Bernard Zaboski, et ux.

03-Yub-70-PM 18.9/20.0 - Parcel 34203-1, 2 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - construct two way left-turn lane, widen and add shoulders. Amends Resolution C-19206, adopted December 15, 2005, which authorized condemnation of land in fee for a State highway. This Amendment is necessary in that the project has changed increasing the acquisition fee area from 0.42 acres to 0.49 acres. The original offer included one single-family residence; this offer includes the acquisition of two single-family residences. Located near the town of Marysville at 8832 and 8834 State Highway 70. APN 05-180-027.

C-19243 - Blackburn Farms III

04-SCI-152-PM 20.6/21.1 - Parcel 57665-1, 2, 3, 4 - EA 174939 - Certification Date: 04/01/06 - RTL Date: 04/01/06. Conventional highway - construct a truck climbing lane. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and permanent easements for drainage. Located near the city of Gilroy, near the junction of State Highway 152 and 156. APN 898-41-010, -011.

C-19244 - Melvin Deaile and Louise Deaile, Co-Trustees, etc., et al.

06-Fre-180-PM 53.9 - Parcel 85334-1, 2, 3, 4 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06. Freeway - new alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for pipeline facilities to be conveyed to Pacific Gas and Electric, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located near the city of Fresno at 3741 W. Whitesbridge. APN 326-090-28.

C-19245 - Ghassan A. Annan, et al.

06-Ker-58-PM 45.1 - Parcel 85453-1 - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional highway - install signal and left turn lanes. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Bakersfield at 14453 Rosedale Highway. APN 184-220-28, -29.

C-19246 - Holly Luong

07-LA-1-PM 40.8 - Parcel 79395-1 - EA 4L0809 - Certification Date: 03/09/05 - Conventional highway - emergency landslide remediation project. Authorizes condemnation of a permanent easement for slope purposes. Located in the unincorporated area of Los Angeles County commonly known as Malibu, between Tapanga Canyon Boulevard and Coastline Drive. APN 4443-003-024.

C-19247 - Danny Kevin Callahan

07-LA-1-PM 40.8 - Parcel 79396-1 - EA 4L0809 - Certification Date: 03/09/05. Conventional highway - emergency landslide remediation project. Authorizes condemnation of a permanent easement for slope purposes. Located in the unincorporated area of Los Angeles County commonly known as Malibu, between Topanga Canyon Boulevard and Coastline Drive. APN 4443-003-027.

C-19248 - Walter H. VanBuskirk, Jr.

07-LA-1-PM 40.8 - Parcel 79397-1 - EA 4L0809 - Certification Date: 03/09/05. Conventional highway - emergency landslide remediation project. Authorizes condemnation of a permanent easement for slope purposes. Located in the unincorporated area of Los Angeles County commonly known as Malibu, between Topanga Canyon Boulevard and Coastline Drive. APN 4443-003-028.

C-19249 - Southern California Edison

08-SBd-215-PM 5.59 - Parcel 18938-1, 2 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Bernardino, west of State Route 215 and north of Inland Center Drive. APN 0141-192-31.

C-19250 - BNSF Railway Company

08-SBd-215-PM 7.18 - Parcel 20017-3, 4, 5, 6 - EA 0071C9 - Certification Date: 02/01/06 - RTL Date: 03/01/06. Freeway – widen Interstate 215 and add HOV Lanes. Authorizes condemnation of an aerial easement for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and three temporary easements for construction purposes. Located in the city of San Bernardino, State Route 215 and the 5th Street Bridge. APN 0138-141-29, -30; 0138-142-13, -14, -18, -19.

C-19251 - Charles M. Atkins, et ux.

08-SBd-247-PM 2.98 - Parcel 20055-1, 2 - EA 0E9109 - Certification Date: 02/01/06 - RTL Date: 03/01/06. Conventional highway - signalization of the intersection. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the town of Yucca Valley, the northeast corner of the intersection of Route 247 and Buena Vista Drive/Skyline Ranch Road. APN 0597-111-62.

C-19252 - William G. Ritter, Trustee, et al.

08-SBd-247-PM 3.04 - Parcels 20042-1, 2; 20059-1, 2 - EA 0E9109 - Certification Date: 02/01/06 - RTL Date: 03/01/06. Conventional highway - signalization of the intersection. Authorizes condemnation of land in fee for a State highway and two temporary easements construction purposes. Located in the town of Yucca Valley at the intersection of Route 247 and Buena Vista Drive/Skyline Ranch Road. APN 0597-091-33.

C-19253 - City of Los Angeles Department of Water and Power

09-Iny-395-PM 77.3/91.6 - Parcel 3679-1; 3680-1; 3684-1; 3685-1; 3686-1; 3687-1; 3688-1; 3689-1; 3690-1; 3691-1; 3692-1; 3693-1; 3694-1; 3695-1; 3698-1; 3706-1; 3707-1; 3708-1; 3716-1 - EA 214609 - Certification Date: 03/01/06 - RTL Date: 04/01/06. Expressway - widen to four lane expressway. Authorizes condemnation of a permanent easement for highway purposes, extinguishment of access rights, an easement for utility purposes, an easement for drainage and temporary construction purposes. Located in the unincorporated area of Inyo County, between the towns of Independence and Big Pine. APN 018-230-10; 021-180-07, -08; 021-030-01, -06; 021-070-01, -10, -12; 022-070-10, -11.

C-19254 - John B. Teagle, et al.

10-Cal-04-PM 21.5 - Parcel 14902-1 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct a two lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway. Located in the town of Angels Camp at 795 Casey Street. APN 057-022-033.

C-19255 - Rhonda G. Fee

10-Cal-04-PM 21.6 - Parcel 14883-1 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct a two lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway. Located in the town of Angels Camp at 818 Easy Street. APN 057-029-003.

C-19256 - Marek Plas, et ux.

11-SD-52-PM 16.4 - Parcel 27059-A, A-1, A-2, A-3, A-4 - EA 010629 - Certification Date: 09/07 - RTL Date: 01/08. Freeway - construct a four lane freeway. Authorizes condemnation of land in fee for a State highway, and easements for ingress, egress, utilities and incidents thereto over, under, along and across. Located in the city of Santee at 9964 Prospect Avenue. APN 384-162-40.

C-19257 - Alois J. Wagner, et ux.

11-SD-52-PM 16.7 - Parcel 27094-1, 2 - EA 010629 - Certification Date: 09/07 - RTL Date: 01/08. Freeway - construct a four lane freeway. Authorizes condemnation of land in fee for a State highway and an easement for road and utilities. Located in the city of Santee at 10330 Avis Lane. APN 384-410-05.

C-19258 - Boyd E. Smith Family Trust, etc., et al.

11-SD-52-PM 17.3 - Parcel 28032-1, 2 - EA 010629 - Certification Date: 02/01/07 - RTL Date: 06/01/07. Freeway - construct a four lane freeway. Authorizes condemnation of land in fee for a State highway and an easement for ingress and egress for road and public utility purposes. Located in the city of Santee at 8681-87 N. Magnolia Avenue. APN 384-141-05.

C-19259 - Pardee Construction Company

11-SD-905-PM 6.3 - Parcel 31343-1, 2 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for highway construction. Located in the city of San Diego at the north side of existing SR-905, at Del Sol Blvd and Ocean View Hills Parkway. APN 645-040-52, -53.

C-19260 - Pardee Construction Company

11-SD-905-PM 6.9 - Parcel 31458-1, 2, 3 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for highway construction. Located in the city of San Diego at the south east corner of Otay Mesa Road and Caliente Avenue. APN 645-080-15.

C-19261 - Anderprises, Inc.

11-SD-905-PM 7.4 - Parcel 31347 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego at the south side of Camino Maquiladora Road, south of Otay Mesa Road and west of Heritage Road. APN 645-090-06.

C-19262 - James Wright

11-SD-905-PM 7.5 - Parcel 31353 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and excess land in fee to which the owner has consented. Located in the city of San Diego at the south side of Otay Mesa Road, west of Heritage Road. APN 645-090-32.

C-19263 - City of San Diego, a Municipal Corporation

11-SD-905-PM 7.6 - Parcel 31354 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego, east of Heritage Road and south of Otay Mesa Road. APN 645-090-39.

C-19264 - City of San Diego, a Municipal Corporation

11-SD-905-PM 7.8 - Parcel 31355-1, 2 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction. Located in the city of San Diego at the corner of Otay Mesa Road and Heritage Road, north of Camino Maquiladora. APN 645-090-16.

C-19265 - Le Bata, Inc.

11-SD-905-PM 8.2 - Parcel 31359-1, 2, 3 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of land in fee for a State highway, an easement for flood water storage, a temporary construction easement, and extinguishment of abutter's rights of access. Located in the city of San Diego at 1696 Cactus Road. APN 646-190-18.

C-19266 - 7603 St Andrews Avenue LLC

11-SD-905-PM 8.9 - Parcel 31467 - EA 091822 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of extinguishment of abutter's rights of access, a permanent easement for slope purposes, and underlying fee. Located in the city of San Diego at 7603 Saint Andrews Avenue. APN 646-221-32.

C-19267 - Sunroad Otay Partners, L.P., a California Ltd. Partnership

11-SD-905-PM 10.7 - Parcel 32632-1, 2 - EA 091829 - Certification Date: 01/16/06 - RTL Date: 05/08/06. Freeway - construct a six lane freeway. Authorizes condemnation of a permanent easement and an easement for highway, slopes and drainage. Located in the unincorporated area of San Diego at the Northeast Corner of Harvest Road and Otay Mesa Road. APN 646-080-08.

C-19268 - John W. Davies

03-Nev-20-PM 0.2 - Parcel 34091-1, 2, 3, 4, 5 - EA 1A5309 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway, an easement for utility purposes to be conveyed to Nevada Irrigation District. Located in the town of Big Oak Valley at 10050 Lombardi Road and 10155 Lombardi Road. APN 50-160-08, 50-040-64.

C-19269 - Chrystal Investments, LLC, a California Limited Liability Company

06-Ker-58-PM 45.11 - Parcel 85444-1, 2, 3 - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional highway - install signal and left turn signalization. Authorizes condemnation of land in fee for a State highway, a permanent easement for right of way, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Bakersfield at 2800 Renfro Road. APN 464-031-40, -41.

C-19270 - Harmon Davenport, et al.

06-Ker-58-PM 45.11 - Parcel 85445-1 - EA 476309 - Certification Date: 03/01/06 - RTL Date 03/01/03. Conventional highway - install signal and left turn signalization. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Bakersfield at 14246 Rosedale Highway. APN 464-031-42.